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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/539,982

12/29/2005

Andreas Lotz

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

BUTCHER, BRIAN M

ART UNIT

PAPER NUMBER

4113

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/539,982	Applicant(s) LOTZ ET AL.	
	Examiner BRIAN BUTCHER	Art Unit 4113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>19 June 2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The disclosure is objected to because of the following informalities: On **page 1**, **line 6**, "**independently**" appears to need a change to "**independent**". Appropriate correction is required.

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The disclosure is objected to because of the following informalities: On **page 1**, **line 11**, “**major shocks and impacts and at high**” appears to need a change to “**major shocks, impacts and at high**”. Appropriate correction is required.

The disclosure is objected to because of the following informalities: On **page 2**, **line 19**, “**disigned**” appears to need a change to “**designed**”. Appropriate correction is required.

The disclosure is objected to because of the following informalities: On **page 3**, **line 13**, “**reference to embodiments and the drawing,**” appears to need a change to “**reference to the embodiments and the drawings** ”. Appropriate correction is required.

The disclosure is objected to because of the following informalities: On **page 3**, **line 30**, “**carriers**” appears to need a change to “**carrier**”. Appropriate correction is required.

The disclosure is objected to because of the following informalities: On **page 3**, **line 31**, “**Lines 8, 9, 10**” appears to need a change to “**Lines 8, 9 and 10**”. Appropriate correction is required.

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The disclosure is objected to because of the following informalities: On **page 4**, **line 13**, “**unit 3 proper is formed**” appears to need a change to “**unit 3 is properly formed**”. Appropriate correction is required.

The disclosure is objected to because of the following informalities: On **page 8**, **line 12**, “**same modeas before**” appears to need a change to “**same modeas before**”. Appropriate correction is required.

The disclosure is objected to because of the following informalities: On **page 8**, **line 25 - 26**, “**may be as much as one hundredth.**” appears to need a change to “**may be as much as one hundredth of a second.**” Appropriate correction is required.

The disclosure is objected to because of the following informalities: On **page 9**, **line 27**, “**is present either in MDIR2**” appears to need a change to “**is present in MDIR2 either**”. Appropriate correction is required.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: **Figure 4 includes “CD4”, but “CA4” is used in the specification (see page 9, line 11, “CA4”).** Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the

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immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: **Figure 5 includes references to MDIR3 – MDIR5, S1 – S5, and S7 - S10 which are not present in the specification.** Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 7, and 8 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 3, 4, 7, and 8 of copending Application No.10/539973. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications claim a module for reading data carriers with similar functionality.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

The following table shows the similarities between claims 1, 3, and 4 of the copending Application No.10/539973 and claim 1 of the instant application 10/539982.

Copending Application 10/539973	Instant Application 10/539982
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<p>1.) A module for reading data carriers, with a processor arrangement and a reading unit,</p> <ul style="list-style-type: none">- wherein the module is designed for incorporation in a data processing device,- wherein addressable coded data are stored on the data carrier, and- wherein the processor arrangement comprises a decoding function and is for this purpose designed for <ul style="list-style-type: none">• receiving a request, characterized by an identifier, for decoded data which are stored in coded form on the data carrier,• controlling the reading unit such that the requested data, defined by a start address, are read in the coded form from the data carrier,• converting the coded data into decoded data by means of the decoding function, and• making the decoded data, characterized by the identifier, available.	<p>1.) A module for reading a data carrier, with a processor arrangement and a memory arrangement,</p> <ul style="list-style-type: none">- wherein the module is designed for incorporation in a data processing device, and- wherein the processor arrangement is designed for storing an identification information associated with the data carrier and at least a start information in the memory arrangement when the reading of the data carrier is interrupted.
<p>3.) A module as claimed in claim 1, characterized in that the processor arrangement is designed for receiving the start address immediately along with the request.</p>	
<p>4.) A module as claimed in claim 1, characterized in that the module comprises a memory arrangement,</p> <ul style="list-style-type: none">- wherein said memory arrangement is designed for storing table of contents information of the data carrier, and wherein the processor unit is designed for deriving the start address from the request by using the table of contents information.	

Claims 1, 3, 6, 7, and 8 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 3, 5, and 6 of copending Application No.10/539972. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications claim a module for reading data carriers with similar functionality.

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This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

The following table shows the similarities between claims 1 and 4 of the copending Application No.10/539972 and claim 1 of the instant application 10/539982.

Copending Application 10/539972	Instant Application 10/539982
<p>1.) A module for reading a data carrier, with a processor arrangement and a memory arrangement,</p> <ul style="list-style-type: none"> • wherein the module is designed for incorporation in a data processing device, • wherein the data carrier comprises data sequences and information on the data sequences, and the data sequences are stored in a directory structure with a root directory and at least one subdirectory, and • wherein the processor arrangement is designed for - writing the information about a first subset of the data sequences present in the root directory into a first directory of the memory arrangement, and writing the information about at least a second subset of the data sequences present in a subdirectory of the data carrier into a second directory of the memory arrangement. 	<p>1.) A module for reading a data carrier, with a processor arrangement and a memory arrangement,</p> <ul style="list-style-type: none"> - wherein the module is designed for incorporation in a data processing device, and - wherein the processor arrangement is designed for storing an identification information associated with the data carrier and at least a start information in the memory arrangement when the reading of the data carrier is interrupted.
<p>4.) A module as claimed in claim 1, characterized in that the processor arrangement is designed for receiving commands demanding the information on the data sequences stored in the memory arrangement and for making said information available.</p>	

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 - 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lotz (United States Patent Application Publication 2006/0171185 A1), hereinafter referenced as Lotz, in view of Shah et al. (United States Patent 7,301,857), hereinafter referenced as Shah.

Regarding **claim 1**, Lotz discloses a module for reading data carriers which reads on the module for reading data carriers claimed. First, Lotz discloses a module for reading a data carrier with a processor arrangement (see "processor arrangement" page 2 paragraph [0024] and figure 3) and a memory arrangement (see "memory arrangement" page 2 paragraph [0024] and figure 3 item 6). Second, Lotz discloses that the module is designed for incorporation in a data processing device (see page 1 paragraph [0005]). Third, Lotz discloses that the module stores a table of contents information of the data carrier and the processor unit is designed for deriving the start address from the request by using the table of contents information (see page 4, claim 1 and claim 4) which reads on "the processor arrangement is designed for storing and identification information associated with the data carrier and at least a start information in the memory arrangement" because the table of contents contains information that

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serves as both an identification information and a start information. However, Lotz fails to disclose "storing an identification information . . . when the reading of the data carrier is interrupted". The examiner maintains that it was well known in the art for the module for reading data carriers disclosed in Lotz to include the storing of an identification information and a start information in a memory when the reading of a data carrier is interrupted, as taught by Shah.

In a similar field of endeavor Shah discloses a media player including a resume function that performs the storing of an identification number and the last-played position of a recorded media due to an interruption (see column 1, lines 31-55) which reads on "storing an identification information associated with the data carrier and at least a start information in the memory arrangement when the reading of the data carrier is interrupted"

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the module for reading data carriers of Lotz by specifically using the teachings in Shah to store information associated with a data carrier when the reading of the data carrier is interrupted because the identification information and playback position information are necessary to resume playback without manual input from the user.

Regarding **claim 2**, Lotz and Shah, the combination of hereinafter referenced as LS, disclose everything claimed as applied above (see claim 1), in addition LS disclose that the identification and start information is constructed from a playing time information. Specifically, Shah discloses the generation of a disc identification number

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from the disc playing time and the reading of the disc playing time from the table of contents which contains information that serves as both an identification information and a start information (see column 2, lines 33 – 44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the module for reading data carriers of Lotz by specifically using the teachings in Shah to make the start information comprise a playing time information because one having ordinary skill in the art would recognize the importance of storing playing time information for content that is based on a time/length relationship. In other words, the playing time information would be desired by one having ordinary skill in the art to locate his/her "position" in a playback.

Regarding **claim 3**, Lotz and Shah, the combination of hereinafter referenced as LS, disclose everything claimed as applied above (see claim 2), in addition LS disclose the storing of content information in a directory structure with one hierarchical level. Specifically, Shah discloses a central processing unit having a non-volatile memory where the identification number, which is generated from disc content information, is stored in a directory having one hierarchical level (see column 2, lines 8 – 21, and figure 1 items 104, 106, 106-I, and 106-N).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the module for reading data carriers of Lotz by specifically using the teachings in Shah to store content information in a directory structure with not more than one level because one having ordinary skill in the art would

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recognize that a directory structure with more than one level would be in excess of the number of levels required for full functionality.

Regarding **claim 4**, Lotz and Shah, the combination of hereinafter referenced as LS, disclose everything claimed as applied above (see claim 1), in addition LS disclose the storage of data sequences on a data carrier and a start information comprising information on the data sequences that have been at least partly read. Specifically, Lotz discloses a module for reading data carriers where data sequences are stored on the data carrier (see page 1, paragraph [0006]). Also, Shah discloses the storing of an identification number and the last-played position of a recorded media due to an interruption (see column 1, lines 31-55) which reads on “the start information [comprising] information on the data sequences that have already been at least partly read.” because the last played position information is information on the data sequence that has been at least partly read.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the module for reading data carriers of Lotz by specifically using the teachings in Shah to include start information comprising information on the data sequences that have already been at least partly read because the information on the data sequences at least partly read is necessary for the resume functionality of locating a last played position.

Regarding **claim 5**, Lotz and Shah, the combination of hereinafter referenced as LS, disclose everything claimed as applied above (see claim 1), in addition LS disclose a memory arrangement comprising a non-volatile memory region. Specifically, Lotz

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discloses module for reading data carriers where the memory arrangement stores decoding programs in a non-volatile manner (see page 2, paragraph [0024], and figure 1 item 6) which reads on "the memory management arrangement [comprising] a non-volatile memory region".

Regarding **claim 6**, Lotz and Shah, the combination of hereinafter referenced as LS, disclose everything claimed as applied above (see claim 1), in addition LS disclose data carriers comprising data sequences with compressed contents and a start information comprising information on the data sequences that have been at least partly read. Specifically, Lotz discloses a module for reading data carriers with the capability of decompressing data from compressed audio data sequences stored on a data carrier (see page 1, paragraph [0014]). Also, Shah discloses the storing of an identification number and the last-played position of a recorded media due to an interruption (see column 1, lines 31-55) which reads on "the start information for data sequences with compressed contents [comprising] a real-time information" because the last played position information is timing information pertaining to the compressed data sequence as evidenced by Cookson et al. (United States Patent 5,463,565) who teaches a data block or compressed data format where a data block contains bit information required for a variable time duration and that the information stored in different data blocks do not necessarily represent the same time durations (see column 6, lines 30 - 42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the module for reading data carriers of Lotz by specifically using the teachings in Shah to include start information for data sequences

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with compressed contents comprising a real-time information because the real-time information derived from compressed contents is necessary for the resume functionality of locating a last played position.

Regarding **claim 7**, Lotz and Shah, the combination of hereinafter referenced as LS, disclose everything claimed as applied above (see claim 1), in addition LS disclose a module for reading data carriers characterized in that the data processing device is a car radio. Specifically, Lotz discloses a module for reading data carriers being connected to a car radio (see "The module reading the data carrier is connected . . . of a data/control bus" page 1, paragraph [0002]) which reads on "the data processing device is a car radio" because a car radio is a data processing device.

Regarding **claim 8**, Lotz and Shah, the combination of hereinafter referenced as LS, disclose everything claimed as applied above (see claims 1 - 7), in addition LS disclose a data carrier playback device in which a module for reading data carriers is incorporated. Specifically, Lotz discloses a data carrier playback device in which a module for reading data carriers is incorporated (see page 1, paragraph [0017] [0023], and figure 2, items 15 and 1).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian M. Butcher whose telephone number is (571) 270 – 5575. The examiner can normally be reached on Monday - Friday 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's trainer, Jefferey F. Harold can be reached at (571) 272 – 7519. The fax phone number for the organization where this application or proceeding is assigned is (703) 872—9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305 – 4800.

BMB

August 14, 2008

/Jefferey F Harold/

Supervisory Patent Examiner, Art Unit 4113